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MILLERCOORS LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EVAN PARENT, an individual on
behalf of himself, a class of persons
similarly situated, and the general
public,

Plaintiff,

v.

MILLERCOORS LLC, a Delaware
Limited Liability Company
authorized to do business in
California, and DOES 1-50,
inclusive,

Defendants.

Case No. 15-cv-01204-GPC-WVG

**DEFENDANT MILLERCOORS
LLC'S NOTICE OF MOTION TO
DISMISS**

Compl. filed: April 24, 2015

Trial date: None Set
Hearing date: September 25, 2015
Time: 1:30 p.m.
Courtroom: 2D
Judge: Hon. Gonzalo P. Curiel

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 25, 2015, at 1:30 p.m. or as soon thereafter as this matter may be heard, in Courtroom 2D of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, CA 92101, Defendant MillerCoors LLC (“Defendant” or “MillerCoors”) will, and hereby does, move pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b) for an Order dismissing Plaintiff Evan Parent’s Complaint with prejudice, on the grounds that MillerCoors’ use of its trade name in labeling is expressly authorized by state and federal law, that Plaintiff cannot be deceived as a matter of law by MillerCoors’ use of its trade name and trademark, and that no reasonable consumer could be misled by MillerCoors’ use of “craft” and its trademark “Artfully Crafted®.” Moreover, Plaintiff’s Complaint fails to plead claims grounded in fraud with sufficient particularity, and Plaintiff lacks standing to pursue the injunctive relief that his Complaint seeks because he has not purchased Blue Moon for years and shows no intent to do so in the future.

This Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities in support thereof, all pleadings and papers on file in this action, and such other and further matters as the Court may consider.

DATED: July 13, 2015

PERKINS COIE LLP

By: /s/ Julie L. Hussey

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Attorneys for Defendant
MILLERCOORS LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on July 13, 2015 to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court's CM/ECF system per CivLR 5.4(d). Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery upon their appearance in this matter.

/s/ Julie L. Hussey
Julie L. Hussey